

60,130-1495
02MRA0344**REMARKS**

Claims 1, 4, 6-8, 11-15 and 17-24 remain pending in this application. Applicant requests reconsideration of the rejections to the claims for the reasons that follow. Applicant has made minor amendments to the claims to correct several minor informalities including renumbering of claims 22-24. None of these amendments introduce new matter. Applicant requests entering of these amendments.

Claims 1, 4, 6, 13-14, 19-21 and 23-24, were rejected as being anticipated by Attinger (CH 663387). Claims 1, 13 and 19 all require an axle shaft having a first end and a second end mounted within a housing and that the first end and the second end extend outside of the housing. Examiner is calling the housing that portion of shaft (7) that extends from the disk (11) to the wheel (2). Applicant disagrees with Examiner's reading. The shaft (7) extends between coupling (8) and gearbox (5). There is no portion of the shaft (7) that extends between the rotor (11) and wheel (2) as suggested by Examiner. The hollow shaft (7) ends within the gearbox (5). Another hollow shaft (9) extends between the gearbox (5) and coupling (10) on an opposite side of the gearbox (5) from the hollow shaft (7). The axle shaft (3) is then attached to the coupling (10) and the hub (2). None of these shafts are supported within a housing for rotation as is required by claims 1, 13, and 19.

Further, the disk (11) of Attinger is not disposed adjacent any end of any shaft. In fact, the disk (11) in Attinger is attached at a midpoint between ends of the hollow shaft (7). The reading by Examiner is not proper and is not what a worker skilled in the art would understand the limitation "*attached to the axle shaft adjacent the second end*" to require.

Additionally, even accepting Examiner's reading for the sake of argument, Attinger still does not disclose all the limitations required to anticipate claims 1, 13 and 19. If, as the Examiner states that that portion of the shaft (7) between the disk (11) and wheel (2) is a housing, there is no axle shaft that rotates within that housing. The shaft (3) identified by Examiner extends between coupling (10) and the hub (3) and is not mounted for rotation within any portion of the shaft (7) identified by Examiner as a "housing" and therefore can not meet the limitation of an axle shaft mounted for rotation within a housing as required by claims 1, 13 and 19. For these reasons Attinger cannot anticipate the limitations required of claims 1, 13 and 19.

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Applicant requests reconsideration and withdrawal of the rejection to claims 1,4,6,13,14,19-21, 23 and 24

Additionally, as the Attinger reference has as yet to be translated, if this rejection is to be maintained, Examiner should avail himself to the support services available and provide a full translation of this reference in preparation for Appeal.

Claim 7 was rejected as being obvious over Attinger modified in view of Anderson et al. (U.S. 4,583,609). The finality of this rejection is believed improper at this time, as Anderson et al. is a newly included reference that has not been mentioned or applied in any previous office action or communication with Examiner. Claim 1 requires an axle shaft having a first end and a second end mounted within a housing and that the first end and the second end extend outside of the housing. For the reasons discussed above Attinger does not suggest or teach this limitation, and therefore the modification of Attinger in view of Anderson does not disclose or suggest all the limitations of claims 1 and 7. Applicant requests withdrawal of this rejection.

Claims 8,15, and 17 were rejected as being obvious over Attinger modified in view of Inoue et al. (2002/0028721). Claims 8 and 15 require bearing assemblies for supporting the axle shaft for rotation within the housing. Claim 17 requires a seal between the housing and the axle shaft. The proposed modification of Attinger and Inoue et al. fails to disclose or suggest all the features required of claims 1 and 13 for the reasons discussed in detail above. Claims 8, 15 and 17 ultimately depend from claims 1 and 13 and therefore the proposed combination does not disclose all the claimed limitations. Applicant requests withdrawal of this rejection.

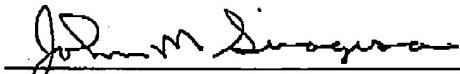
Further, Claims 11,12, 18, and 22 were rejected as being obvious over Attinger modified in view of Seki (2003/0136613). Claims 11, 12,18 and 22 ultimately depend from an allowable base claim (Claim 1, 13, 19) and therefore are also in allowable form. The proposed modification of Attinger and Seki fails to disclose or suggest the limitations of claims 1, 13, and 19. Accordingly, Applicant requests withdrawal of the rejection to claims 11, 12, 18, and 22.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

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Respectfully Submitted,

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